

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Harry D. Leinenweber	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 3605	DATE	10/14/2010
CASE TITLE	Rosas v. City of Chicago et al.		

DOCKET ENTRY TEXT

Defendants' Bill of Costs is granted in part. Plaintiff is ordered to pay \$627.90 to Defendants.

[For further details see text below.]

Docketing to mail notices.

STATEMENT

Defendants were the prevailing parties in this case when judgment was entered on August 26, 2010. Defendants submitted a joint bill of costs on September 21 seeking reimbursement for transcript, copy, and docketing fees. Plaintiff was given the opportunity to object to the Bill of Costs but did not respond.

"Unless a federal statute, [the Federal Rules of Civil Procedure], or a court order provides otherwise, costs – other than attorney's fees – should be allowed to the prevailing party." Fed. R. Civ. P. 54(d)(1). Recoverable costs, as set forth in 28 U.S.C. § 1920, include fees for: (1) the clerk, (2) transcripts, (3) printing and witnesses, (4) copies of papers necessarily obtained for use in the case, (5) docketing, and (6) court-appointed experts and interpreters. Only reasonable and necessary costs are recoverable under Rule 54(d). *See Northbrook Excess & Surplus Ins. Co. v. Procter & Gamble Co.*, 924 F.2d 633, 642 (7th Cir. 1991). Therefore, "[t]axing costs against the losing party requires two inquiries: (1) whether the cost imposed on the losing party is recoverable and (2) if so, whether the amount assessed for that item was reasonable." *Majeske v. City of Chicago*, 218 F.3d 816, 824 (7th Cir. 2000).

I. TRANSCRIPT FEES

Fees for transcripts are recoverable costs. *Cengr v. Fusibond Piping Sys., Inc.*, 135 F.3d 445, 457 (7th Cir. 1998). Per page transcript costs must be less than the maximum set by the Judicial Conference at the time the costs were incurred. *Id.* at 455-56. This rate is currently \$3.65 per page for ordinary transcripts.

Defendants claim a cost of \$3.15 per page for a transcript from Plaintiff's criminal case. This cost is taxable because the per page fee is below the Judicial Conference maximum and the transcript of the related criminal case was critical to Defendants' motion to dismiss. This transcript was critical because Defendants based their motion on *Heck v. Humphrey*, 512 U.S. 477 (1994), which required a comparison between the complaint in the present civil case and the criminal convictions. The transcript was 175 pages, so the transcript fee totals \$551.25.

II. COPY FEES

Copying costs for pleadings and documents produced are recoverable. *M.T. Bonk Co. v. Milton*

STATEMENT

Bradley Co., 945 F.2d 1404, 1410 (7th Cir. 1991). Copy charges between \$0.10 and \$0.20 per page are reasonable. *See Harkins v. Riverboat Servs., Inc.*, 286 F. Supp. 2d 976, 982 (N.D. Ill. 2003). “For documents filed with the court, only copies for the court and one copy for opposing counsel are necessary.” *Ochana v. Flores*, 206 F. Supp. 2d 941, 946 (N.D. Ill. 2002). Copy costs are permitted for documents produced in discovery, but the cost of a second copy of these documents made for the defendant’s convenience is not recoverable. *Baxter Int’l, Inc. v. McGaw, Inc.*, No. 95 C 2723, 1998 U.S. Dist. LEXIS 2422 (N.D. Ill. Feb. 27, 1998); *see Sharp v. United Airlines, Inc.*, 197 F.R.D. 361, 362-63 (N.D. Ill. 2000).

Defendants claim 350 pages of copying for motions and discovery at a copy rate of \$0.15 per page. A number of these pages are taxable, but others are not. Defendants appear to have printed 64 pages of the Plaintiff’s filings, but such printing is for the Defendants’ own convenience and is not taxable. Defendants printed three copies of its own filings, but these printing costs are taxable as two copies were for the Court and one copy was for opposing counsel. Defendants also printed two copies of discovery requests, but only one set of copies will be allowed as, absent any evidence to the contrary, the Court assumes that the other 15 pages were for Defendants’ convenience. This leaves a total of 271 pages taxable at a rate of \$0.15. Defendants also claim \$36 in fees for acquiring a certified copy of each of Plaintiff’s four convictions. This is taxable as such copies were necessary to prove the convictions for Defendants’ motion to dismiss. The total taxable copying fee is \$76.65.

III. DOCKETING FEES

Defendants seek \$ 20 for a docketing fee. “In the usual case, plaintiffs pay docketing fees as part of the cost of filing a case.” *Frahm v. Equitable Life Assur. Soc’y of the United States*, No. 93 C 0081, 2000 U.S. Dist. LEXIS 10406, at *6 (N.D. Ill. July 17, 2000). The docketing fee is denied as Defendants provide no receipt indicating that they actually paid the docketing fee and give no supporting information indicating why they paid the fee instead of Plaintiff. *See Fischer v. Avanade, Inc.*, No. 05 C 5594, 2007 U.S. Dist. LEXIS 81037, at *4-5 (N.D. Ill. Oct. 31, 2007).

IV. CONCLUSION

For the reasons stated herein, Defendants’ Bill of Costs is granted in part. The Court orders Plaintiff to pay the sum of \$627.90 to Defendants.